



H.C.P.(MD)No.491 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Pushapalakshmi

... Petitioner

-VS-

1. The State of Tamilnadu, Rep By,
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Thoothukudi, Thoothukudi District.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
4. The Additional Superintendent of Prison,
District Jail, Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the entire records,



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connected with the detention order of the respondent No.2 in Detention Order H.S.(M) Confdl No.23/2025 dated 10.03.2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name Muthuramalingam, M/25, Son of Mr.Sankar, now confining as “Goonda” at District Jail, Nagercoil before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Michel Sebastin
for Mr.C.Ganesh Pandian

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

The petitioner is the mother of the detenu namely Muthuramalingam,, S/o.Sankar, aged about 25 years. The detenu had been detained by the second respondent by his order in H.S(M)Confdl No.23/2025 dated 10.03.2025, holding him to be a “Goonda” as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the material facts have not been disclosed in the detention order. Hence, he prays for quashing of the detention order.

4. A perusal of the detention order shows that the detaining authority had placed reliance on an adverse case in Crime No.27 of 2025, registered by the Kurumbur Police Station for the offence punishable under Sections 296(b), 115(2), 109(1) and 351(3) of BNS, 2023 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and that the detenu was arrested on 17.01.2025 and forwarded to judicial custody and that the case was under investigation. Thereafter, it



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had been stated that on 11.02.2025, when there was police patrol at Srivaikundam Bus Stand, the detenu was seen and he was informed that there was an arrest warrant pending against him relating to a murder case and that he should come with the police patrol. It is stated that he threatened the police and owing to that FIR in Crime No.77 of 2025 had been registered for the offence punishable under Sections 296(b), 132, 351(3) BNS, 2023. He was remanded to judicial custody on 11.02.2025. The detaining authority should have come to subjective satisfaction only by stating whether in the earlier case in FIR in Crime No.27 of 2025, in which the detenu was arrested on 17.01.2025, he had been granted bail or not and if he had been granted bail, the details thereof should have been mentioned. Thereafter, when an warrant was sought to be executed in the previous murder case, the details of that particular murder case should have been given.

5. The learned Additional Public Prosecutor pointed out that the remand report in FIR in Crime No.77 of 2025, wherein the details of all the previous cases have been mentioned. But, the order of remand in



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FIR in Crime No.27 of 2025 had not been enclosed and the date on which he had been granted bail has not been enclosed.

6. We are of the opinion that those facts should have been stated in the detention order to arrive at a complete subjective satisfaction. These material facts have not been disclosed in the detention order particularly, the order of remand in FIR in Crime No.27 of 2025, further details as to the date and the petition under which he was granted on bail and the details relating to the Non-bailable warrant which was said to have been pending against him and the details of the murder case at-least giving the crime number or after investigation, if it is pending before the Court, Sessions Case number should have been mentioned in the detention order. We, therefore, have no hesitation in quashing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S(M)Confdl. No.23/2025 dated 10.03.2025 passed by the second respondent is set aside. The detenu, viz.,



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Muthuramalingam,, S/o.Sankar, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] [R.V., J.]

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vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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